

REMARKS

Claim 1 has been amended to more clearly define the invention. Support for the amendment is found at p, 5, line 6. No new matter has been added.

Pursuant to 37 CFR §1.121(c)(1), a separate sheet showing amended claim 1 in clean form is submitted herewith.

Rejection Under 35 USC 103(a)

Claims 1-11 were presented for examination and all claims were rejected under 35 USC 103(a) as being unpatentable over Shepodd in view of Streitwieser, Jr., Kawamoto, and Morikawa. Applicants traverse the rejection.

The claimed invention is a composition comprising a mixture of a polyphenyl ether, wherein the polyphenol ether is comprised of at least 3 structural units, and a hydrogenation catalyst. The composition is prepared by mixing or blending together the polyphenyl ether and catalyst components to form a powder or paste (p. 6, 9-11 and Table 2). Hydrogenation is a heterogeneous solid state reaction (p. 8, 17-25), a solvent is neither present nor required. As shown in Table 2, hydrogenation of the polyphenyl ethers takes place readily at a hydrogen pressure of about 0.01 atm,

Applicants urge that the amendment to Claim 1 renders the cited references (Kawamoto and Morikawa) inapplicable. Even if such were not the case, both Morikawa and Kawamoto (Method for Manufacturing Bis(4-aminocyclohexyl) Ether) employ conditions that are not only not

applicable to the claimed invention but teach away therefrom. Morikawa explicitly teaches away from the invention showing that for bis-phenyl ethers no sufficient (sic) hydrogenation rate could be obtained at hydrogen pressures below 1 kg/cm^2 ($\approx 1 \text{ atm.}$) (col. 12, 26-30).

Kawamoto teaches hydrogenation of bis(4-aminonitrophenyl) ether or bis(4-aminophenyl) ether in a solvent inactive to the hydrogenation reaction and at a hydrogen partial pressure of at least 50 kg/cm^2 ($\approx 50 \text{ atm.}$) in the presence of a ruthenium oxide catalyst. Clearly, the hydrogenation conditions used by Kawamoto are inapplicable to the claimed invention, as discussed above.

As Applicants have shown above, the combination of Shepodd, Streitwieser, Kawamoto, and Morikawa cannot produce the claimed invention. Both Kawamoto and Morikawa require hydrogenation conditions that are clearly inapplicable and, in fact, teach away from the claimed invention.

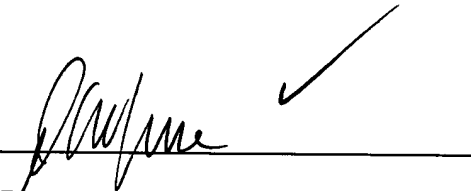
Based on the showing above, Applicants urge that a prima facie case of obviousness has not been made and respectfully request reconsideration and withdrawal of the rejection of claims 1-11.

CONCLUSION

The rejection of claims 1-11 under 35 USC §103(a) having been overcome, Applicant respectfully requests that reconsideration, withdrawal of the rejection, and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date: 4/24/2003



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Application Number: 10/091,044

For Applicant: Shepodd